

REMARKS

These remarks are responsive to the Final Office Action mailed November 16, 2009, citing for the first time new references for Applicants' consideration. Claims 1 and 30 have been amended. Support for the amendments can be found at paragraph [0032]. No new matter is believed to have been introduced.

I. REJECTION UNDER §103

Claims 1, 5, 8, 10, 13, 16, 1, 19, 21 and 30-33 stand rejected under 35 U.S.C. §103 as allegedly obvious over Ramdas et al. (Mol. Gen. Genet. 249:336-348, 1995) in view of Ito et al. (Genes to Cells, 2:593-600, 1977). Applicants respectfully traverse this rejection.

Ramdas et al. teach and suggest the recombination of a ssDNA with a minichromosomal DNA (e.g., a chromatin formed DNA). More particularly, Ramdas et al. teach and suggest in the abstract, "To understand the role of chromatin structure in the process of homologous recombination, we have studied the interaction of nucleoprotein filaments, comprised of RecA protein and ssDNA, with minichromosomes." Ramdas et al. do not teach or suggest recombination in a cell (i.e., wherein a target nucleic acid is in a cell).

Ito et al. do not overcome the deficiencies of the primary reference. Ito et al. is provided only to teach other protein that promote chromatin formation.

The combination of references fail to teach or suggest the elements of Applicants' independent claims. Thus, the combination fail to provide a prima facie case of obviousness. Accordingly, Applicants respectfully request withdrawal of the rejection.

For at least the foregoing, the Applicant submits that the claimed invention is patentable and request reconsideration and notice of such allowable subject matter.

The Director is authorized to charge any required fee or credit any overpayment to Deposit Account Number 50-4586, please reference the attorney docket number above.

The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

GAVRILOVICH, DODD & LINDSEY LLP

Date: January 19, 2010

By: Joseph R. Baker, Jr./
Joseph R. Baker, Jr.
Registration No. 40,900

4660 La Jolla Village Drive, Suite 750
San Diego, California 92122
(858) 458-3607 (Main)
(858) 458-9986 (Fax)